INITED	CT	ТТС	DISTRICT	COLIDT
UNITED	$\mathbf{O}$	1100	DISTRICT	COUNT

## EASTERN DISTRICT OF TEXAS

CLARENCE TURNER,	§ e
Plaintiff,	9 § 8
versus	§ CIVIL ACTION NO. 1:12-CV-409
RICHARD ALFORD, et al.,	8 8 8
Defendants.	<b>§</b> §

## MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Clarence Turner, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Richard Alford, Gene Kroll, Kelvin Master, Angelique Dennis and Anita Breaux.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED.R.CIV.P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff complains that he was improperly deprived of his property. Plaintiff's objections clearly demonstrate his property was not taken in accordance with established policy. As a result, based on the authorities cited by the magistrate judge, plaintiff's allegations

do not state a violation of a constitutional right because Texas provides an adequate postdeprivation remedy in the form of a state court action for conversion.

## **ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 10th day of June, 2013.

Marcia A. Crone.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE